

MODULE I

STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1. The Permittee is allowed to treat hazardous wastes in the RCRA Part B, Subpart X Unit known as the Rapid Response System at Building 4553 of the Deseret Chemical Depot in accordance with the conditions of this permit and in accordance with R315-3-6.8 and R315-8-16.
- I.A.2. Any treatment, storage, or disposal of hazardous waste not authorized in this permit, or any other RCRA permits is prohibited.
- I.A.3. Pursuant to R315-3-13, compliance with this permit generally constitutes compliance, for purposes of enforcement, with the Utah Solid and Hazardous Waste Act and RCRA, as amended by HSWA, except for those requirements which become effective by statute, or future regulatory changes to include those requirements promulgated under R315-13 restricting the placement of hazardous wastes in or on the land.
- I.A.4. All Conditions within this permit supersede conflicting statements, requirements or procedures found within the Attachments.
- I.A.5. Attachments are incorporated into this permit as enforceable conditions, except as provided in I.A.4.
- I.A.6. Specific references contained in the Modules to documents not contained within this permit incorporate the most current version of those documents as enforceable conditions.
- I.A.7. Lack of a specific reference to an applicable R315 requirement within this permit shall not stay applicability of the requirement.
- I.A.8. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations.

I.B. GENERATOR

I.B.1 The Permittee shall comply with R315-5 as applicable to waste generated by the Rapid Response System.

I.B.2 The Permittee shall comply with the requirements specified by R315-13 as applicable to waste generated by the Rapid Response System. If treated wastes will be further managed at another facility, the treatment residues will be identified in accordance with the requirements of R315-5 and R315-13 as outlined by Attachment 4.

I.C **ENFORCEABILITY**

Violations duly documented through the enforcement process and upheld through judicial action, pursuant to Utah Code Annotated 19-6-113, may result in penalties assessed in accordance R315-102.

I.D. **PROTECTION**

I.D.1. In accordance with R315-3-11(h), this permit shall be issued and administered by the State of Utah.

I.D.2. Pursuant to Section 3005(c)(3) of RCRA (Section 212 of HSWA), codified as 40 CFR 270.32(b)(2), and R315-3-23(b)(2), this permit contains those terms and conditions determined necessary to protect human health and the environment.

I.E **OTHER AUTHORITY**

The Board expressly reserves any right of entry provided by law and any authority to order or perform emergency or other response activities as authorized by law.

I.F **PERMIT ACTIONS**

I.F.1. This permit may be modified, revoked and reissued, or terminated for cause, as specified in R315-3-15 and R315-3-16.

I.F.2. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

I.F.3. The Executive Secretary may modify this permit when the standards or regulations on which the permit was based have been changed by statute, amended standards or

regulations, or by judicial decision after the effective date of this permit, or when new information has been received.

- I.F.4. Any approved modification or change in design or operation of the Rapid Response System Facility or any approved modification or change in a hazardous waste management practice covered by this permit shall be administered as a permit modification in accordance with R315-3-15 and R315-3-17, except as provided by specific language in this permit.

I.G **SEVERABILITY**

- I.G.1 The provisions of this permit are severable and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

- I.G.2 Invalidation of any State or federal statutory or regulatory provision which forms the basis for any condition of this permit does not affect the validity of any other State or federal statutory or regulatory basis for said condition.

I.H **DUTIES TO COMPLY**

- I.H.1. The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit issued in accordance with R315-3-10(a) and R315-3-19. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the Utah Solid and Hazardous Waste Act, and is grounds for enforcement action; permit termination, revocation and reissuance, or modification of the permit; or denial of a permit renewal application.

- I.H.2. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Sections 3007, 3008, 3013, or 7003 of RCRA (42 U.S.C. Sections 6927, 6928, 6934 and 6973), Section 106(a), 104, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606(a), commonly known as CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), or any other State or federal law providing for protection of public health or the environment from any imminent and substantial endangerment to human health or the environment.

I.I. **PROPERTY RIGHTS**

Issuance of this permit shall be in accordance with R315-3-10(g), R315-3-13(b), and R315-3-13(c).

I.J. **CONFIDENTIAL INFORMATION**

In accordance with Utah Code Annotated 63-2-308 et.seq. and R277-103, the Permittee may claim confidential any information required to be submitted pursuant to this permit.

I.K. **DUTY TO REAPPLY**

The Permittee shall comply with R315-3-3(e) and R315-3-10(b).

I.L. **PERMIT DURATION**

In accordance with R315-3-11(a), R315-3-11(b), and R315-3-11(c), this permit shall expire ten (10) years from the effective date.

I.M. **PERMIT EXPIRATION**

I.M.1 This permit shall expire in accordance with R315-3-11(d) and R315-3-11(e).

I.M.2 If the Permittee is found to be out of compliance with this permit as a determination is being made on a permit application, compliance action may be taken in accordance with R315-3-11(f).

I.N. **CONTINUATION OF EXPIRING PERMIT**

Continuation of an expiring permit shall be determined in accordance with R315-3-11(d).

I.O. **REVIEW OF PERMIT**

In accordance with the Utah Solid and Hazardous Waste Act, UAC 19-6-108(13), this permit shall be reviewed five (5) years after the effective date and modified, as necessary.

I.P. **NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE**

The Permittee shall comply with R315-3-10(c).

I.Q. **DUTY TO MITIGATE**

The Permittee shall comply with R315-3-10(d).

I.R. **PROPER OPERATION AND MAINTENANCE**

The Permittee shall comply with R315-3-10(e).

I.S. **DUTY TO PROVIDE INFORMATION**

The Permittee shall comply with R315-3-10(h) and R315-5-5(c).

I.T. **INSPECTION AND ENTRY**

I.T.1 Pursuant to the Utah Solid and Hazardous Waste Act, UAC 19-6-109, the Permittee shall comply with R315-3-10(i).

I.T.2 The Executive Secretary, or appointed representatives, shall be allowed to make record of inspections by photographic, electronic, video tape, or any other reasonable medium.

I.U. **MONITORING AND RECORDS**

I.U.1 Monitoring records shall be in accordance with R315-3-10(j).

I.U.2. Records shall be collected and maintained for all activities conducted in the Rapid Response System unit regulated by this permit.

I.U.3. **Sampling and measurements**

I.U.3.a Samples and measurements shall be in accordance with R315-3-10(j).

I.U.3.b. The method used to obtain a representative sample of the waste to be analyzed shall be the appropriate method from R315-50-6 (40 CFR 261, Appendix I incorporated by reference).

I.U.4. **Equivalent Methods.** The Permittee may petition to substitute analytical methods in accordance with R315-2-15.

I.V. **REPORTING REQUIREMENTS**

I.V.1 Reporting Planned Changes

I.V.1.a. In accordance with R315-3-10(f), the Permittee shall comply with R315-3-10(l)(1).

I.V.2. Reporting Anticipated Noncompliance

I.V.2.a. The Permittee shall report anticipated noncompliance in accordance with R315-3-10(l)(2).

I.V.2.b. Advanced notice shall not constitute a defense for noncompliance in accordance with R315-3-10(f).

I.V.3. Reports and Data

I.V.3.a The Permittee shall comply with R315-3-10(j), R315-3-10(l)(4), and R315-3-12.

I.V.3.b The Permittee shall submit a treatment effectiveness report that summarizes the type and amount of wastes treated every six months after commencement of operations by the Rapid Response System.

I.V.4. Submission Process

I.V.4.a. All reports, notifications, or other submissions which are required by this permit, to be transmitted to the Executive Secretary should be sent by certified mail or other means with proof of delivery to:

Division of Solid and Hazardous Waste
P.O. Box 144880
Salt Lake City UT 84114-4880
(801) 538-6170

I.V.4.b. All hand delivered submissions shall be made during normal business hours (8 am to 5 pm, Monday through Friday, except State holidays) at the Division of Solid and Hazardous Waste in the Martha Hughes Cannon Health Building, 288 North 1460 West, Salt Lake City, Utah.

I.V.4.c. Required oral notifications shall be given only to the Executive Secretary or an Environmental Manager, Environmental Scientist, or Engineer

employed by the Executive Secretary to assist him in administering the hazardous waste program.

I.V.4.d. Notifications made at other times shall be made to one of the persons specified in Condition I.V.4.c if the Permittee can contact such person at the Facility or at the office of the Division of Solid and Hazardous Waste.

I.V.4.e. Otherwise, notification shall be made in accordance with the twenty-four (24) hour reporting requirements specified in condition I.Y. Notifications made to the twenty-four (24) hour answering service shall include all applicable information required by this permit.

I.V.4.f The Permittee shall give oral notification to one of the persons specified in Conditions I.V.4.c. on the first business day following the 24-hour notification.

I.W **CERTIFICATIONS**

I.W.1. The Permittee shall make all modifications to the Rapid Response System in accordance with R315-3-15 and R315-3-17.

I.W.2 All new construction shall be in accordance with Condition II.B. and designs and specifications approved by the Executive Secretary.

I.W.3 The Permittee shall not place any new or modified unit into service until the Executive Secretary has in writing accepted the construction certification for that unit, in accordance with Condition II.B.

I.X **TRANSFER OF PERMIT**

This permit shall be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to R315-3-15 and R315-3-14. Prior to transferring ownership or operation of the Rapid Response System during its operating life, the Permittee shall notify the new owner or operator, in writing, of the requirements of R315-3, R315-8, and this permit.

I.Y **TWENTY-FOUR HOUR REPORTING**

I.Y.1. Twenty-four hour reporting shall be in accordance with R315-3-10(I)(6).

I.Y.2 Potential Endangerment

I.Y.2.a. A release of hazardous waste to soil, groundwater, or surface water of material listed in R315-2-11(e)(1) or R315-2-10(e)(1) shall be reported in accordance with R315-9-1.

I.Y.2.b A release of a material listed in Table I.Y-1 to ambient air that is confirmed by a DAAMS tube in a concentration equal to or greater than the Chemical Control Limit (CCL) as defined in Table I.Y-1, as measured at the workspace (MINICAMS Sample Port No. 5 (MS-5)) or filter exhaust (MINICAMS Sample Port No. 3 (MS-3)) shall be reported in accordance with R315-9-1. Any confirmed alarm will be verbally reported to the Executive Secretary within 24 hours of the event.

Table I.Y-1

<u>Chemical Agents (mg/m3)</u>			
H, HS, HD	HN-1, HN-3	L	
0.003	0.003	0.003	

I.Y.3 The Utah Department of Environmental Quality 24-hour answering service telephone number is (801) 536-4123.

I.Z. **OTHER NONCOMPLIANCE**

Reporting of otherwise unspecified noncompliance shall be in accordance with R315-3-10(l)(10).

I.AA. **OTHER INFORMATION**

The Permittee shall comply with R315-3-10(l)(11).

I.BB **SIGNATORY REQUIREMENT**

I.BB.1 The Permittee shall comply with R315-3-8 and R315-3-10(k).

I.BB.2 Authorized individuals shall be specified in accordance with R315-3-8.

I.BB.3 Changes to authorization shall be pursuant to R315-3-8(c).

I.CC **DOCUMENTS TO BE MAINTAINED AT THE FACILITY SITE**

The Permittee shall maintain at the site of Rapid Response System operations in Building 4553, until closure is completed and certified by an independent, registered, professional engineer, the following documents and amendments, revisions and modifications to these documents:

I.CC.1. A copy of the complete Rapid Response System Hazardous Waste Treatment Permit, including:

I.CC.1.a The Waste Analysis Plan (Attachment 4), as required by R315-8-2.4 and this permit.

I.CC.1.b Inspection Procedures (Attachment 6), as required by R315-8-2.6(b) and this permit.

I.CC.1.c The Training Plan (Attachment 5), documents, and records, as required by R315-8-2.7(d) and this permit

I.CC.1.d The Contingency Plan (Attachment 9), as required by R315-8-4 and this permit.

I.CC.2 The Operating record, as required by R315-8-5.3 and this permit.

I.CC.3 The Closure Plan, as required by R315-8-7 and this permit.